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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,369	01/30/2004	Lowell G. Steffens	24048	6537
<div>7590 04/01/2008</div> <div>William J Clemens Esq Fraser Clemens Martin &amp; Miller LLC 28366 Kensington Lane Perrysburg, OH 43551-4163</div>				
EXAMINER				
BUTLER, MICHAEL E				
ART UNIT		PAPER NUMBER		
3653				
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04/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/768,369

**Applicant(s)**

STEFFENS ET AL.

**Examiner**

MICHAEL E. BUTLER

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 1-3, 5-13, 15-22 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over by Johnson '401 (3122401) in view of Johnson '043 (3146043 ) wherein the former discloses the elements previously discussed and further discloses:

(Re: cl 1,13) An apparatus for vending a plurality of articles, comprising: an enclosure having closed sides and a hollow interior, enclosure having a door opening formed in one of sides (c4 L 31-71);

a rotator assembly rotatably mounted in hollow interior of frame, rotator assembly having a plurality of angularly spaced storage locations each for releasably retaining an article to be vended (c6 L 34-64);

wherein rotator assembly includes at least two article supporting trays in a stacked relationship, each of trays having a predetermined number of storage locations, storage locations of one of trays being vertically staggered with respect to storage locations of another one of trays (tray compartments at differing vertical heights in figs 1 & 3)

a door member hinged to frame and operable to be moved between a closed position blocking door opening and an open position permitting access to rotator assembly through door opening (c4 L 62-72);

and an indexing assembly connected to door member and to rotator assembly  
indexing assembly being operable to rotate rotator assembly to move one of storage locations away from door opening and move another one of storage locations to door

Art Unit: 3653

opening to access an article at another one of storage locations through door opening when door member is moved from the closed position to the open position (c8 L 18-36; c1 L 64-70)

wherein rotator assembly includes at least two article supporting trays in a stacked relationship, each of trays having a predetermined number of storage locations, storage locations of one of trays being angularly displaced with respect to storage locations of another one of trays (c5 L 55-75)

(Re: cl 13) propane tank accessible (c6 L 9-63)

(Re: cl 2) including a locking mechanism attached to door member and enclosure and being operable to lock and unlock door member (c4 L 62-72)

(Re: cl 3)(2) wherein the locking mechanism is token-operated (c4 L 62-72)

(Re: cl 5,15) wherein storage locations are each sized to retain a single standard-sized propane tank in an upright position (c6 L 9-63)

(Re: cl 6,16) wherein adjacent ones of storage locations are separated by dividers 112 (fig 4)

(Re: cl 8,16) wherein rotator assembly includes a stop mounted at each of storage locations at a periphery of rotator assembly (c9 L 56-c10 L 54)

(Re: cl 9,17,22) wherein indexing assembly includes a first arm for enabling rotator assembly to rotate and a second arm for rotating rotator assembly (c9 L 56-c10 L 54)

(Re: cl 10,18)(9) wherein rotator assembly has a plurality of apertures formed therein each corresponding to one of storage locations and indexing assembly includes a pin for selectively engaging apertures to prevent rotation of rotator assembly (118 fig 2)

(Re: cl 11,19)(10) wherein rotator assembly includes a lever arm mounting pin, lever arm being in a normal position with pin engaging one of apertures when door member is in the closed position and lever arm being moved by engagement with first arm to a released position disengaging pin from one of apertures (c9 L 56-c10 L 54)

(Re: cl 12,20)(9) wherein rotator assembly includes a plurality of projections, second arm engaging one of projections during an opening of door member to rotate rotator assembly (c8 L 19-42)

(Re: cl 21) An apparatus for vending a plurality of articles, comprising: an enclosure having closed sides and a hollow interior, enclosure having a door opening formed in one of sides (c4 L 31-71);

a rotator assembly rotatably mounted in hollow interior of frame, rotator assembly having a plurality of angularly spaced storage locations each for releasably retaining an article to be vended (c6 L 34-64);

a door member hingedly attached to frame and operable to be moved between a closed position blocking door opening and an open position permitting access to rotator assembly through door opening (c4 L 62-72);

and an indexing assembly connected to door member and to rotator assembly

indexing assembly being operable to rotate rotator assembly to move one of storage locations away from door opening and move another one of storage locations to door

Art Unit: 3653

opening to access an article at another one of storage locations through door opening when door member is moved from the closed position to the open position (c1 L 64-70)

(Re: cl 22) wherein indexing assembly includes a first arm for enabling rotator assembly to rotate and a second arm for rotating rotator assembly (c9 L 56-c10 L 54).

And wherein the latter discloses any elements not explicitly taught by the former including:

Vertically offset stagger the tray access (C3 L 22-32 ; Fig 2 )

(Re: cl 7)(6) wherein dividers each include a vertical beam adjacent a periphery of rotator assembly (11 fig 3).

It would have been obvious for Johnson '401 to vertically offset stagger the storage compartments with a plurality of trays to increase capacity and provide customers variety in products purchased as taught by Johnson '043 and come up with the instant invention. It would have been obvious for Johnson '401 to substitute the vertical rods with beams to simplify fabrication as taught by Johnson '043 and come up with the instant invention.

3. Claim(s) 1-3, 5-13, 15-22 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over by Johnson '401 (3122401) in view of Nesser et al. 5067630 wherein the former discloses the elements previously discussed and further discloses:

(Re: cl 1,13) An apparatus for vending a plurality of articles, comprising: an enclosure having closed sides and a hollow interior, enclosure having a door opening formed in one of sides (c4 L 31-71);

a rotator assembly rotatably mounted in hollow interior of frame, rotator assembly having a plurality of angularly spaced storage locations each for releasably retaining an article to be vended (c6 L 34-64);

wherein rotator assembly includes at least two article supporting trays in a stacked relationship, each of trays having a predetermined number of storage locations, storage locations of one of trays being vertically staggered with respect to storage locations of another one of trays (tray compartments at differing vertical heights in figs 1 & 3)

Art Unit: 3653

a door member hingedly attached to frame and operable to be moved between a closed position blocking door opening and an open position permitting access to rotator assembly through door opening (c4 L 62-72);

and an indexing assembly connected to door member and to rotator assembly

indexing assembly being operable to rotate rotator assembly to move one of storage locations away from door opening and move another one of storage locations to door opening to access an article at another one of storage locations through door opening when door member is moved from the closed position to the open position (c8 L 18-36; c1 L 64-70)

wherein rotator assembly includes at least two article supporting trays in a stacked relationship, each of trays having a predetermined number of storage locations, storage locations of one of trays being angularly displaced with respect to storage locations of another one of trays (c5 L 55-75)

(Re: cl 13) propane tank accessible (c6 L 9-63)

(Re: cl 2) including a locking mechanism attached to door member and enclosure and being operable to lock and unlock door member (c4 L 62-72)

(Re: cl 3)(2) wherein the locking mechanism is token-operated (c4 L 62-72)

(Re: cl 5,15) wherein storage locations are each sized to retain a single standard-sized propane tank in an upright position (c6 L 9-63)

(Re: cl 6,16) wherein adjacent ones of storage locations are separated by dividers 112 (fig 4 )

(Re: cl 8,16) wherein rotator assembly includes a stop mounted at each of storage locations at a periphery of rotator assembly (c9 L 56-c10 L 54)

(Re: cl 9,17,22) wherein indexing assembly includes a first arm for enabling rotator assembly to rotate and a second arm for rotating rotator assembly (c9 L 56-c10 L 54)

(Re: cl 10,18)(9) wherein rotator assembly has a plurality of apertures formed therein each corresponding to one of storage locations and indexing assembly includes a pin for selectively engaging apertures to prevent rotation of rotator assembly (118 fig 2)

(Re: cl 11,19)(10) wherein rotator assembly includes a lever arm mounting pin, lever arm being in a normal position with pin engaging one of apertures when door member is in the closed position and lever arm being moved by engagement with first arm to a released position disengaging pin from one of apertures (c9 L 56-c10 L 54)

(Re: cl 12,20)(9) wherein rotator assembly includes a plurality of projections, second arm engaging one of projections during an opening of door member to rotate rotator assembly (c8 L 19-42)

(Re: cl 21) An apparatus for vending a plurality of articles, comprising: an enclosure having closed sides and a hollow interior, enclosure having a door opening formed in one of sides (c4 L 31-71);

a rotator assembly rotatably mounted in hollow interior of frame, rotator assembly having a plurality of angularly spaced storage locations each for releasably retaining an article to be vended (c6 L 34-64);

Art Unit: 3653

a door member hingedly attached to frame and operable to be moved between a closed position blocking door opening and an open position permitting access to rotator assembly through door opening (c4 L 62-72);

and an indexing assembly connected to door member and to rotator assembly indexing assembly being operable to rotate rotator assembly to move one of storage locations away from door opening and move another one of storage locations to door opening to access an article at another one of storage locations through door opening when door member is moved from the closed position to the open position (c1 L 64-70)

(Re: cl 22) wherein indexing assembly includes a first arm for enabling rotator assembly to rotate and a second arm for rotating rotator assembly (c9 L 56-c10 L 54).

And wherein the latter discloses any elements not explicitly taught by the former including:

Vertically offset stagger the tray access (c7 L 31-62; 126 vs. 129 vs 124 Fig 2)  
(Re: cl 7)(6) wherein dividers each include a vertical beam adjacent a periphery of rotator assembly (c7 L 31-62; 34 & 44 Fig 1).

It would have been obvious for Johnson '401 to vertically offset stagger the storage compartments with a plurality of trays to increase capacity and provide customers variety in products purchased as taught by Nesser et al. and come up with the instant invention. It would have been obvious for Johnson '401 to substitute the vertical rods with beams to simplify fabrication as taught by Nesser et al. and come up with the instant invention.

4. Claim(s) 1-3, 5-13, 15-22 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over by Johnson '401 (3122401) in view of Castleberry (US2001/0000004A1) wherein the former discloses the elements previously discussed and further discloses:

(Re: cl 1,13) An apparatus for vending a plurality of articles, comprising: an enclosure having closed sides and a hollow interior, enclosure having a door opening formed in one of sides (c4 L 31-71);

a rotator assembly rotatably mounted in hollow interior of frame, rotator assembly having a plurality of angularly spaced storage locations each for releasably retaining an article to be vended (c6 L 34-64);

Art Unit: 3653

wherein rotator assembly includes at least two article supporting trays in a stacked relationship, each of trays having a predetermined number of storage locations, storage locations of one of trays being vertically staggered with respect to storage locations of another one of trays (tray compartments at differing vertical heights in figs 1 & 3)

a door member hingedly attached to frame and operable to be moved between a closed position blocking door opening and an open position permitting access to rotator assembly through door opening (c4 L 62-72);

and an indexing assembly connected to door member and to rotator assembly

indexing assembly being operable to rotate rotator assembly to move one of storage locations away from door opening and move another one of storage locations to door opening to access an article at another one of storage locations through door opening when door member is moved from the closed position to the open position (c8 L 18-36; c1 L 64-70)

wherein rotator assembly includes at least two article supporting trays in a stacked relationship, each of trays having a predetermined number of storage locations, storage locations of one of trays being angularly displaced with respect to storage locations of another one of trays (c5 L 55-75)

(Re: cl 13) propane tank accessible (c6 L 9-63)

(Re: cl 2) including a locking mechanism attached to door member and enclosure and being operable to lock and unlock door member (c4 L 62-72)

(Re: cl 3)(2) wherein the locking mechanism is token-operated (c4 L 62-72)

(Re: cl 5,15) wherein storage locations are each sized to retain a single standard-sized propane tank in an upright position (c6 L 9-63)

(Re: cl 6,16) wherein adjacent ones of storage locations are separated by dividers 112 (fig 4)

(Re: cl 8,16) wherein rotator assembly includes a stop mounted at each of storage locations at a periphery of rotator assembly (c9 L 56-c10 L 54)

(Re: cl 9,17,22) wherein indexing assembly includes a first arm for enabling rotator assembly to rotate and a second arm for rotating rotator assembly (c9 L 56-c10 L 54)

(Re: cl 10,18)(9) wherein rotator assembly has a plurality of apertures formed therein each corresponding to one of storage locations and indexing assembly includes a pin for selectively engaging apertures to prevent rotation of rotator assembly (118 fig 2)

(Re: cl 11,19)(10) wherein rotator assembly includes a lever arm mounting pin, lever arm being in a normal position with pin engaging one of apertures when door member is in the closed position and lever arm being moved by engagement with first arm to a released position disengaging pin from one of apertures (c9 L 56-c10 L 54)

(Re: cl 12,20)(9) wherein rotator assembly includes a plurality of projections, second arm engaging one of projections during an opening of door member to rotate rotator assembly (c8 L 19-42)

(Re: cl 21) An apparatus for vending a plurality of articles, comprising: an enclosure having closed sides and a hollow interior, enclosure having a door opening formed in one of sides (c4 L 31-71);



Art Unit: 3653

a rotator assembly rotatably mounted in hollow interior of frame, rotator assembly having a plurality of angularly spaced storage locations each for releasably retaining an article to be vended (c6 L 34-64);

a door member hingedly attached to frame and operable to be moved between a closed position blocking door opening and an open position permitting access to rotator assembly through door opening (c4 L 62-72);

and an indexing assembly connected to door member and to rotator assembly

indexing assembly being operable to rotate rotator assembly to move one of storage locations away from door opening and move another one of storage locations to door opening to access an article at another one of storage locations through door opening when door member is moved from the closed position to the open position (c1 L 64-70)

(Re: cl 22) wherein indexing assembly includes a first arm for enabling rotator assembly to rotate and a second arm for rotating rotator assembly (c9 L 56-c10 L 54).

And wherein the latter discloses any elements not explicitly taught by the former including:

Vertically offset stagger the tray access (110 fig 6; paragraph 299; 40/42/44/46 fig 1) (Re: cl 7)(6) wherein dividers each include a vertical beam adjacent a periphery of rotator assembly (34/116 ; fig 11).

It would have been obvious for Johnson '401 to vertically offset stagger the storage compartments with a plurality of trays to increase capacity and provide customers variety in products in size whilst still being able to view the available products as taught by Castleberry and come up with the instant invention. It would have been obvious for Johnson '401 to substitute the vertical rods with beams to simplify fabrication as taught by Castleberry and come up with the instant invention.

#### ***Response to Amendments/Arguments***

5. Applicant's amendment was effective in overcoming the previous rejections. Applicant's further arguments are moot in view of the newly applied art.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL E. BUTLER/

Primary Examiner, Art Unit 3653